

HONORABLE MARSHA J. PECHMAN

UNITED STATE DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

BRYAN D. MIZE,

Plaintiff,

vs.

JPMORGAN CHASE BANK, N.A.;  
NORTHWEST TRUSTEE SERVICES,

Defendants.

NO. 2:11-CV-01245-MJP

JP MORGAN CHASE BANK, N.A.'S  
MOTION TO HAVE ITS MOTION TO  
STRIKE PLAINTIFF'S MOTION FOR  
SANCTIONS HEARD ON  
SHORTENED TIME

NOTE ON MOTIONS CALENDAR  
SEPTEMBER 10, 2012

COMES NOW the defendant, JPMorgan Chase Bank, N.A. (hereinafter "Chase") by and through its attorneys of record, Devra D. Featheringill, and Bishop, White, Marshall & Weibel, P.S. and submits the following Motion to Have Chase's Motion to Strike Plaintiff's Motion for Sanctions heard on Shortened Time. Plaintiff's Motion for Sanctions (Doc. No. 49) was improperly noted and Plaintiff failed to follow the Local Civil Rules as well as FRCP 37(d)(1)(B). Under the current and improper noting date of September 14, 2012, Chase's response to the Motion for Sanctions is due on September 10, 2012. Accordingly, Chase

CHASE'S RESPONSE TO PLAINTIFF'S  
EMERGENCY MOTION FOR ORDER  
DEFERRING RULING ON MSJ.- 1  
Case No.: 2:11-cv-01245-MJP

BISHOP WHITE, MARSHALL & WEIBEL, P.S.  
720 OLIVE WAY, SUITE 1201  
SEATTLE, WASHINGTON 98101-1801  
206/622-5306 FAX: 206/622-0354

1 requests that its Motion to Strike or Alternatively Re-Note Plaintiff's Motion for Sanctions is  
2 heard upon shortened time.

3 Although Motions for hearings upon shortened time are not considered by the  
4 Local Rules of the Western District of Washington, there is precedent for granting the  
5 motions at the discretion of the Court. In *Craig v. U.S.*, 1993 WL 125944 at FN 2,  
6 (W.D.Wash., 1993), the Western District *sua sponte* treated motions that were not noted as  
7 being heard on shortened time as if they had been filed with a request to be heard on  
8 shortened time, in order to accommodate the Court's hearing schedule and because there  
9 was no prejudice to the parties.

10  
11 In the case at bar, Plaintiff's Motion for Sanctions was improperly noted for the  
12 second Friday after filing and service instead of the third Friday pursuant to CR 7(d). This  
13 improper noting date has resulted in Chase losing a week of time to prepare its response.  
14 Given that its response under the improper noting date is due on September 10, 2012,  
15 Chase requests that its Motion to Strike be heard on shortened time.

16 DATED this 7th day of September, 2012.

17 By: /s/Devra Featheringill  
18 Devra Featheringill, WSBA #32182  
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21 Seattle, WA 98101-1801  
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24 E-Mail: [dfeatheringill@bwmlegal.com](mailto:dfeatheringill@bwmlegal.com)  
25 Attorneys for Defendant JPMorgan Chase Bank,  
N.A.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 7<sup>th</sup> day of September, 2012, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, Western District of Washington by using its CM/ECF system which will send notification of such filing to the following CM/ECF participants:

Heidi E. Buck	<input type="checkbox"/> By United States Mail
Routh Crabtree Olsen	<input checked="" type="checkbox"/> By CM/ECF
13555 SE 36 <sup>th</sup> St, Ste 300	<input type="checkbox"/> By Federal Express
Bellevue, WA 98006	<input type="checkbox"/> By Facsimile
E: <a href="mailto:hbuck@rcolegal.cm">hbuck@rcolegal.cm</a>	
<i>Attorney for Defendant Northwest Trustee Services</i>	

	<input type="checkbox"/> By United States Mail
Ha Thu Dao	<input checked="" type="checkbox"/> By CM/ECF
3501 Rucker Ave	<input type="checkbox"/> By Federal Express
Everett, WA 98201	<input type="checkbox"/> By Facsimile
E: <a href="mailto:hadaojd@gmail.com">hadaojd@gmail.com</a>	
<i>Attorney for Plaintiff</i>	

Signed this 7<sup>th</sup> day of September, 2012 at Seattle, Washington.

By: s/Darla Trautman  
Darla Trautman, Legal Assistant  
Bishop, White, Marshall & Weibel, P.S.